

REMARKS

Claims 6-17 remain pending in the application. No claims have been amended in this response. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 6-9 and 12-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Olszok et al. (US 5,821,474). The rejection is respectfully traversed.

The Examiner has asserted that it would have been an obvious matter of design choice to employ a solid guide rod with the Olszok et al. device, since Applicants have not disclosed that having a solid guide rod solves any stated problem or is for any particular purpose. This is simply incorrect.

The Examiner's attention is respectfully directed to the specification at page 2, line 23:

The essential advantage of the present invention is based on the fact that the valve housing in which the temperature-sensitive spring is accommodated is positioned outside the muffler housing. The hot exhaust gases cannot directly heat the valve housing.

The hollow guide rod of Olszok et al. is specifically used to enable exhaust gases to flow to the various diaphragm chambers 14.1, 14.2, 14.3 and 14.4. To use Applicants' "solid guide rod" (claim 17) or "guide rod with no internal passage" (claim 6) in the Olszok et al. device would render the Olszok et al. device inoperable. Hence, the use of Applicants' guide rod totally departs from the scope of the Olszok et al. invention, contrary to the assertion of the Examiner.

As shown from the cited passage from the specification, the purpose of Applicants' solid guide rod or guide rod with no internal passage is to isolate the temperature-sensitive bias spring from the hot exhaust gases in the muffler. The spring would not operate predictably without this isolation. Applicants' device is therefore less expensive and adaptable to higher temperature applications when compared to the cited art.

Independent claim 6, its dependent claims 7-9 and 12-16, and independent claim 7 are therefore believed to be in condition for allowance.

Claims 10 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Olszok et al. in view of Uegane (US 6,554,099). The rejection is respectfully traversed.

Without conceding the correctness of the Examiner's remarks over claims 10 and 11, these claims depend indirectly from claim 6 and are therefore believed to be in condition for allowance for the reasons set forth above with respect to claim 6.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of these Remarks is respectfully requested. If the

Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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